IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 433 OF 2006

MRS. ISHA SAMEER DESSAI ALIAS NIMA KHAPRU FOL DESSAI ....Petitioner

Versus

DR. FONDO SHIVRAM DESSAI AND ANR., ...Respondents

Mr. Vivek Rodrigues, Advocate for the petitioner.

Mr. S. G. Dessai, Senior Advocate with Mr. S. Kalshaukar, Advocate for the respondents.

Coram:- S.K. SHAH, J.

Date:- 10th January, 2007

P.C.

Heard Counsel for both sides. The order impugned herein is against rejection of the amendment sought in the written statement.

2. The plaintiffs' suit is for perpetual injunction restraining the defendant from interfering in the suit house and shop and dealing with the same in any manner and for mandatory injunction, directing the defendant to quit and vacate the suit house and shop.

3. The amendment that was sought was to the effect that the Civil Court has no jurisdiction to entertain the suit because in the partnership deed there is a mention about referring the dispute to the arbitration. This argument is rejected by the trial Court by observing that this was not relevant for the purpose of deciding the suit.

4. I do not find any illegality or impropriety in the impugned orer. Consequently, there is no merit in the writ petition. The writ petition is dismissed.

S.K. SHAH, J.

ssm.